

1 ROBERT M. DRASKOVICH, ESQ.
2 Nevada Bar No. 6275
3 THE DRASKOVICH LAW GROUP
4 815 S. Casino Center Boulevard
5 Las Vegas, Nevada 89101
6 Tel: 702.474.4222 / Fax: 702.474.1320
7 robert@draskovich.com
8 *Attorney for Defendant*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 2:22-mj-00074-NJK

Plaintiff,

v.

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Fifth Request)**

PAUL VALENTINE CWALINA, II,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Robert M. Draskovich, counsel for Defendant Paul Valentine Cwalina, II, Jason Frierson, United States Attorney, and Jean N. Ripley, Assistant United States Attorney, counsel for the United States of America, that the Court schedule the preliminary hearing in this case for no earlier than forty-five (45) days from the date of this Stipulation. Specifically, the parties request that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest. *See* U.S.C. § 3161(b).

/ / /

This stipulation is entered into for the following reasons:

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that, “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.”

2. Counsel for Defendant will be in a federal jury trial in *U.S. v. Stephen Parshall*, Case No. 2:20-cr-00308-JAD-DJA beginning November 1, 2022.

3. Negotiations are still ongoing and the parties intend to pursue a potential resolution of this matter before defendant is formally charged by indictment.

4. This continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case and the parties to pursue a potential resolution.

5. Defendant has no opposition to the request for continuance.

6. This is the fifth request by the parties for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 27th day of October, 2022.

Respectfully submitted,

THE DRASKOVICH LAW GROUP

/s/ Jean N. Ripley
JEAN N. RIPLEY
Assistant United States Attorney
Counsel for the United States

/s/ Robert M. Draskovich
ROBERT M. DRASKOVICH, ESQ.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

PAUL VALENTINE CWALINA, II,

Defendant.

Case No.: 2:22-mj-00074-NJK

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good appearing therefore, the Court hereby finds that:

1. The parties have requested to continue the preliminary hearing in the above-captioned case to facilitate pre-indictment resolution.

2. Counsel for Defendant will be in a federal jury trial in *U.S. v. Stephen Parshall*, Case No. 2:20-cr-00308-JAD-DJA beginning November 1, 2022.

3. Both Counsel for Defendant and Counsel for the Government agree to the continuance.

4. Defendant has no opposition to the request for continuance.

5. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case and the parties to pursue a potential resolution.

6. For the foregoing reasons, there is good cause to continue the preliminary hearing and allow the parties to pursue a pre-indictment resolution of this case. The additional time requested by this stipulation is excludable in computing the time within

1 which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and
2 considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

3 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
4 above-captioned matter for defendant Paul Valentine Cwalina, II, previously scheduled for
5 November 1, 2022, at 4:00 p.m., be vacated and continued to December 14, 2022,
6 at 4:00 p.m.

7 DATED this 27th day of October, 2022.

8
9 
10 HONORABLE NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24